

**AFFIDAVIT OF DESIREE GONZALES-PEREZ**

STATE OF NEW YORK     )  
                                      : ss.:  
COUNTY OF NEW YORK    )

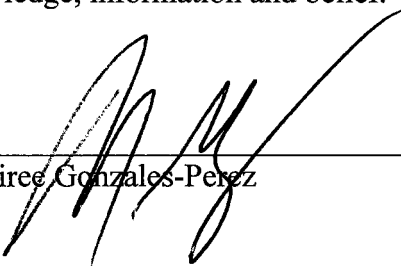
Desiree Gonzales-Perez, being duly sworn, deposes and says:

1. I have personal knowledge of the facts set forth below.
2. I am the General Manager of The 40/40 Club.
3. Neither Shawn Carter nor Juan Perez have management responsibility for day-to-day personnel decisions concerning the Club.
4. They have no role in setting the terms and conditions of employment for employees.
5. They do not interview employees.
6. They do not hire employees.
7. They are not involved in setting policies for the payment of wages, pay rates or the method of payment. They do not sign the employees' paychecks. In fact, they have no role in payroll whatsoever.
8. They are not involved in the setting of hours or scheduling of employees.
9. They do not discipline employees, investigate complaints, or set employment policies or procedures.
10. They do not supervise employees.
11. They do not participate in staff meetings.
12. They are not responsible for maintaining employment records or directing what records should be maintained.

13. Neither has an office in the Club.

14. Neither has control over the Club's employees.

I have read the foregoing affidavit, consisting of 14 numbered paragraphs, and I swear or affirm the same to be true to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Desiree Gonzales-Perez

Sworn to and subscribed before me  
this 24 day of July, 2007

  
\_\_\_\_\_  
Notary Public

**ANDREW P. MARKS**  
**Notary Public, State of New York**  
**No: 4963847**  
**Qualified in Westchester County**  
**Commission Expires March 19, 2010**